

Art Unit: 3731

- SPW  
5/25/17
- Claim 99, line 10, delete "~~the porous~~ <sup>the implant</sup> mesh prevents escape of nucleus pulposus through the defect,"

Ray et al. (5,824,093) Krapiva (5,645,597) disclose a method of replacing nucleus and the implant including a porous mesh. However, Ray et al. do not disclose the method for treating an annulus fibrosis having a defect and the method comprising the steps of expanding the porous mesh or implant to a diameter larger than the defect to prevent escape of nucleus pulposus through the defect.

4. The following is an examiner's statement of reasons for allowance: claims 85-91, 93-106, 108-113 are allowed because the prior art fails to disclose or suggest a method for treating an annulus fibrosis comprising the steps as claim. Especially the step of expanding the porous mesh radially by reducing the length between the distal and proximal ends and advancing the implant distally beyond the outer layer wherein the proximal end of the porous mesh is located distally beyond the outer layer of the annulus fibrosis.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."